APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ANYA, CHARLES E

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2194	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
	10/662,603	RAMEY ET AL.
Office Action Summary	Examiner	Art Unit	
	Charles E. Anya	2194	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *06 June 2003*.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *35,37-40,42-45,47-50 and 52-63* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *35,37-40,42-45,47-50 and 52-63* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/6/08*
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 35, 37-40, 42-45, 47-50 and 52-63 are pending in this application.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
requirements of this title.

2.   **Claims 40, 42-44 and 55-63 are rejected under 35 U.S.C. 101 because the
claimed invention is directed to non-statutory subject matter.**

3.   Claim 40 is directed to "a wrapper apparatus" and "means for" function
invocation. However, it is not clear whether the claimed invention is directed to
hardware or software.

        It is advisable that Applicant amend the claims to indicate that the claims
are directed to hardware. Accordingly, appropriate correction or amendment is required.

4.   Claim 55 is directed to "a system" and is software per se. The "system" is not a
process, a machine, a manufacture or a composition of matter.

        In contrast, a claimed computer-readable storage medium encoded with
instruction for executing web-based control of call server functions or a computer
system having a processor for executing instruction in call server system is a computer
element with defined structural and functional interrelationships. The structural and

functional interrelationship allows the claim to be classified as a machine, the

functionality realized and thus statutory. Accordingly, appropriate correction or

amendment is required.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees. A nonstatutory
obviousness-type double patenting rejection is appropriate where the conflicting claims
are not identical, but at least one examined application claim is not patentably distinct
from the reference claim(s) because the examined application claim is either anticipated
by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140
F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29
USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.
1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422
F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163
USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d)
may be used to overcome an actual or provisional rejection based on a nonstatutory
double patenting ground provided the conflicting application or patent either is shown to
be commonly owned with this application, or claims an invention made as a result of
activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).

5.   Claims 35, 37-40, 42-45, 47-50 and 52-63 are provisionally rejected on the

ground of nonstatutory obviousness-type double patenting as being unpatentable over

claims 64,74 and 84 of copending Application No. 2005/0008003 A1 (hereinafter

referred to as Ramey'8003) in view of U.S. Pat. No. 5,945,989 to Freishtat et al.

This is a <u>provisional</u> obviousness-type double patenting rejection.

6.   As to claim 35, Ramey'8003 teaches a method performed by a wrapper for
enabling a web application to communicate with a telephone system, comprising:
providing a communication channel between the web application and the telephone
system (claim 64 lines 3-4); and translating web application commands transferred from
the web application to the telephone system from a web application format into
telephone system format (claim 64 lines 6-8).

        Ramey'8003 is silent with reference to a method performed by a wrapper for
enabling a web application to communicate with a call server system.

        Freishtat teaches a method performed by a wrapper for enabling a web
application to communicate with a call server system (Server 697 Col. 11 Ln. 24 – 52).

        It would have obvious to one of ordinary skill in the art at time the invention was
made to modify the system of Ramey'8003 with the teaching of Freishtat because the
teaching of Freishtat would improve the system of Ramey'8003 by providing mechanism
for managing telephony resources and allows multiple client applications to connect and
interface with a server (Freishtat Col. 11 Ln. 41 – 44).

7.   As to claims 37-40, 42-45, 47-50 and 52-63, they are rejected under the judicially
created doctrine of obvious double patenting for the same reasons as stated in the
rejection of claim 35 above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

8.   **Claims 35, 38-40, 43-45, 48-50 and 53-63 are rejected under 35 U.S.C. 102(e)**

as being anticipated by U.S. Pat. No. 5,915,008 to Dulman.

9.   As to claim 35, Dulman teaches a method performed by a wrapper for enabling a

web application to communicate with a call server system (figure 2), comprising:

providing a communication channel between the web application ("...GUI-based

access..." Col. 10 Ln. 10 – 30) and the call server system (figure 2 Access Server 48

Col. 10 Ln. 10 – 65); and

translating web application commands transferred from the web application to the

call server system from a web application format into a call server system format

("...converts the CPE service request..." Col. 12 Ln. 35 – 45, "...translate...software

based modules 74, 76, 78 and 80..." Col. 13 Ln. 14 – 49, Col. 14 Ln. 16 – 30, AIN/API

80 Col. 15 Ln. 35 – 60, Step S112 Col. 19 Ln. 6 – 15), wherein the translating web

application commands further comprises translating a call control command ("...call

forwarding, selective call blocking etc..." Col. 13 Ln. 40 – 49, "...caller abandon

function…" Col. 14 Ln. 1 – 15, "…advise the customer of the error…" Col. 15 Ln. 1 – 8,

Col. 20 Ln. 29 – 34).

10.   As to claim 38, Dulman teaches the method of claim 35 wherein the translating

web application commands further comprises translating a service control command

("…call forwarding, selective call blocking etc…" Col. 13 Ln. 40 – 49, "…caller abandon

function…" Col. 14 Ln. 1 – 15, "…advise the customer of the error…" Col. 15 Ln. 1 – 8).

11.   As to claim 39, Dulman teaches the method of claim 35 further comprising

translating call server commands transferred from the call server system to the web

application from the call server system format into the web application format ("…advise

the customer of the error…" Col. 15 Ln. 1 – 8, Col. 20 Ln. 20 – 28).

12.   As to claims 40, 45 and 50, see the rejection of claim 35 above.

13.   As to claim 43, 48 and 53, see the rejection of claim 38 above.

14.   As to claim 44, 49 and 54, see the rejection of claim 39 above.

15.   As to claim 55, Dulman teaches a system for web-based control of call server

functions comprising: a call server system (figure 2 Access Server 48); a web

application ("...GUI-based access..." Col. 10 Ln. 10 - 30);

a user interface for directing the web application ("...GUI-based access..." Col. 10 Ln. 10 – 30); and

a wrapper for providing a communication channel between the web application and the call server system ("...software based modules 74, 76, 78 and 80..." Col. 13 Ln. 14 – 49, Col. 14 Ln. 16 – 30, AIN/API 80 Col. 15 Ln. 35 – 60) and for translating commands transferred from the web application to the call server system from a web application format into a call server system format, wherein the web application commands comprise a call control command ("...converts the CPE service request..." Col. 12 Ln. 35 – 45, "...translate...software based modules 74, 76, 78 and 80..." Col. 13 Ln. 14 – 49, Col. 14 Ln. 16 – 30, AIN/API 80 Col. 15 Ln. 35 – 60).

16.   As to claim 56, Dulman teaches the system of claim 55 further comprising: a web server for providing the web application to the user interface (figure 2 Access Server 48).

17.   As to claim 57, Dulman teaches the system of claim 56 wherein the web application comprises: an interactive web page for the web server ("...Hypterext-based system..." Col. 10 Ln. 10 – 30).

18.   As to claim 58, Dulman teaches the system of claim 56 wherein the web server comprises: the wrapper ("...software based modules 74, 76, 78 and 80..." Col. 13 Ln. 14 – 49, Col. 14 Ln. 16 – 30, AIN/API 80 Col. 15 Ln. 35 – 60).

19.   As to claim 59, Dulman teaches the system of claim 55 wherein the user interface comprises: a personal computer with a web browser ("…Hypterext-based system…" Col. 10 Ln. 10 – 30).

20.   As to claim 60, Dulman teaches the system of claim 55, wherein the call server system further comprises: the wrapper ("…software based modules 74, 76, 78 and 80…" Col. 13 Ln. 14 – 49, Col. 14 Ln. 16 – 30, AIN/API 80 Col. 15 Ln. 35 – 60).

21.   As to claim 61, Dulman teaches the system of claim 55 wherein the call server system further comprises: a computer telephony interface for communicating with the call server ("…software based modules 74, 76, 78 and 80…" Col. 13 Ln. 14 – 49, Col. 14 Ln. 16 – 30, AIN/API 80 Col. 15 Ln. 35 – 60).

22.   As to claim 62, Dulman teaches the system of claim 55 wherein the call server system further comprises: a computer telephony interface server comprising a computer telephony interface ("…software based modules 74, 76, 78 and 80…" Col. 13 Ln. 14 – 49, Col. 14 Ln. 16 – 30, AIN/API 80 Col. 15 Ln. 35 – 60).

23.   As to claim 63, Dulman teaches the system of claim 62 wherein the computer telephony interface server comprises; the wrapper ("…software based modules 74, 76, 78 and 80…" Col. 13 Ln. 14 – 49, Col. 14 Ln. 16 – 30, AIN/API 80 Col. 15 Ln. 35 – 60).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

24.   **Claims 37, 42, 47 and 52 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over U.S. Pat. No. 5,915,008 to Dulman in view of U.S. Pat. No.

5,867,494 A to Krishnaswamy et al.

25.   As to claim 37, Dulman is silent with reference to the method of claim 36 wherein

the translating a call control command further comprises translating a conference call

control command.

Krishnaswamy teaches the method of claim 36 wherein the translating a call

control command further comprises translating a conference call control command

("...converts the call to a bonding call..." Col. 142 Ln. 1 – 49).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the system of Dulman with the teaching of Krishnaswamy

because the teaching of Krishnaswamy would improve the system of Dulman by

providing an operator software for managing call conferences, scheduling and creating

list of connections fro the call conferences (Krishnaswamy Col. 152 Ln. 32 – 36).

26.   As to claims 42,47 and 52, see the rejection of claim 37 above.

Response to Arguments

Applicant's arguments with respect to claims 35,37-40,42-45,47-50 and 52-63 have been considered but are moot in view of the new ground(s) of rejection. As for the double patenting rejection the Examiner maintain the rejection since the claims have not been amended.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Anya whose telephone number is 571-272-3757. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/
Supervisory Patent Examiner, Art Unit 2195

cea.